IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 9010 of 2005

Between:

Y.Chandrasekharaiah, S/o. Subbaramaiah,
Batrakagollu Village, Alluru Mandal, Nellore District.

... PETITIONER

AND

1. The District Collector, Nellore/The District Election Authority,
under A.P. Formers Management of Irrigation
Systems (Delineation & Formation of Water Users Associations)
Rules,2003.
2. The Revenue Divisional Officer, Kavali, Nellore District.
3. The Mandal Revenue Officer, Alluru Mandal, Alluru, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more in the nature of Mandamus or any other appropriate writ declaring the action of the respondents in conducting elections to the Managing Committee of Batrakagollu Village Tank Water Users Association, Batrakagollu Village, Alluru Mandal, Nellore district without following the procedure under
Rule 9 and without disposing of the Appeal filed by the petitioner before the 1st respondent dt.08-04-2005 as illegal, arbitrary, and without jurisdiction and contrary to the rules and consequentially to pass appropriate orders.

Counsel for the Petitioner: MR. K. ANANDA RAO

Counsel for the Respondents: GP FOR IRRIGATION & COMM. AREA DEV.

The Court made the following:

ORDER:

This writ petition is filed seeking Mandamus declaring the action of the respondents

in conducting elections to the Managing Committee of Batrakagollu Village Tank Water Users Association, Batrakagollu Village, Alluru Mandal, Nellore District, without following the procedure under
Rule 9 and without disposing of the appeal filed by the petitioner before the first respondent dated 08-04-2005, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation for the respondents and with their consent, the writ petition is being disposed of at the admission stage.

3. Petitioner, who claims to be the owner of agricultural land to an extent of Ac.2.16 cents in Sy.No.125 of Batrakagollu village of Alluru Mandal, Nellore District, states that the Commissioner of Command Area and Development Authority, A.P., Hyderabad, had issued a notification on 14-02-2005 for preparation of voters list of Water Users Associations. He further states that, basing on the said notification, first respondent directed all the Mandal Revenue Officers in the district to implement the orders of the Commissioner, whereby, third respondent prepared the draft voters list and published the same on the notice board of the Gram Panchayat and called for objections on 04-04-2005.

4. It is the grievance of the petitioner that though he owns land in the Ayacut area, his name does not find place in the draft voters list and so he filed objection before the third respondent on the same day, but it was not considered. Hence, petitioner approached the second respondent by way of an appeal, but due to non-consideration of the appeal by the second respondent, he approached the first respondent, who is the appellate authority, by way of an appeal, raising all the grounds, viz. unqualified persons were added, whereas he was not added in the voters list.

5. The main grievance of the petitioner, in the present writ petition, is that the first respondent is neither considering the appeal nor disposing it of; meanwhile, the first respondent, without considering the appeal, and without finalizing the aforesaid

voters list, is bent upon conducting elections, which is illegal and arbitrary.

6. Having regard to the facts and circumstances of the case, the writ petition is disposed of with a direction to the first respondent, the District Collector, Nellore, (The District Election Authority under A.P. Formers Management of Irrigation Systems) (Delineation and Formation of Water Users Associations) Rules, 2003, to consider and dispose of the appeal filed by the petitioner on or before 25-04-2005 without fail and submit compliance of the same to this Court through the learned Government Pleader.

7. The writ petition is accordingly disposed of at the admission stage. No order as to costs.

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ELIPE DHARMA RAO, J

Dt.21-04-2005

Glv

ASSISTANT REGISTRAR

Copy to:

1. The District Collector, Nellore/ The District Election Authority,
under A.P. Formers Management of Irrigation Systems,
(Delineation & Formation of Water Users Associations) Rules, 2003.
2. The Revenue Divisional Officer, Kavali, Nellore District.
3. The Mandal Revenue Officer, Alluru Mandal, Alluru, Nellore District.

4. Two CCs. to the Government Pleader for Irrigation and Command
Area Development, High Court buildings, Hyderabad. (OUT)

5. Two CD copies.

*Form-NIC-OGS/WP{**BJPR**}*